

Collective Bargaining Process

Regulation 15 A



Public Service Alliance of Canada
Alliance de la Fonction publique du Canada

REGULATION 15

The PSAC Collective Bargaining Process

INTRODUCTION

Membership involvement and mobilization form the bedrock of the collective bargaining process. Through collective bargaining we protect and improve our working lives and help to build the labour movement. Collective bargaining is also an important vehicle for advancing our goals with respect to human rights and social justice. Collective bargaining also benefits society at large by helping to create more inclusive and progressive workplaces. By engaging and empowering all members of the Public Service Alliance of Canada through the collective bargaining process, we will achieve our shared aspirations and goals and create a stronger union.

The Public Service Alliance of Canada is a broad and diverse union and we are committed to ensuring that all bargaining units, regardless of size, industry or sector, have an equal opportunity to achieve their goals and advance our union's vision of social justice and equality. Underlying the success of any negotiation is membership mobilization and engagement across the union. Therefore, ensuring strong communication, mobilization and engagement throughout the bargaining process are essential components of how we conduct collective bargaining.

To that end, this document is a democratic framework that works towards ensuring that all involved in the process - from members and shop stewards in the worksite to union staff to our National President - understand their roles and responsibilities in bargaining a collective agreement.

STRUCTURE

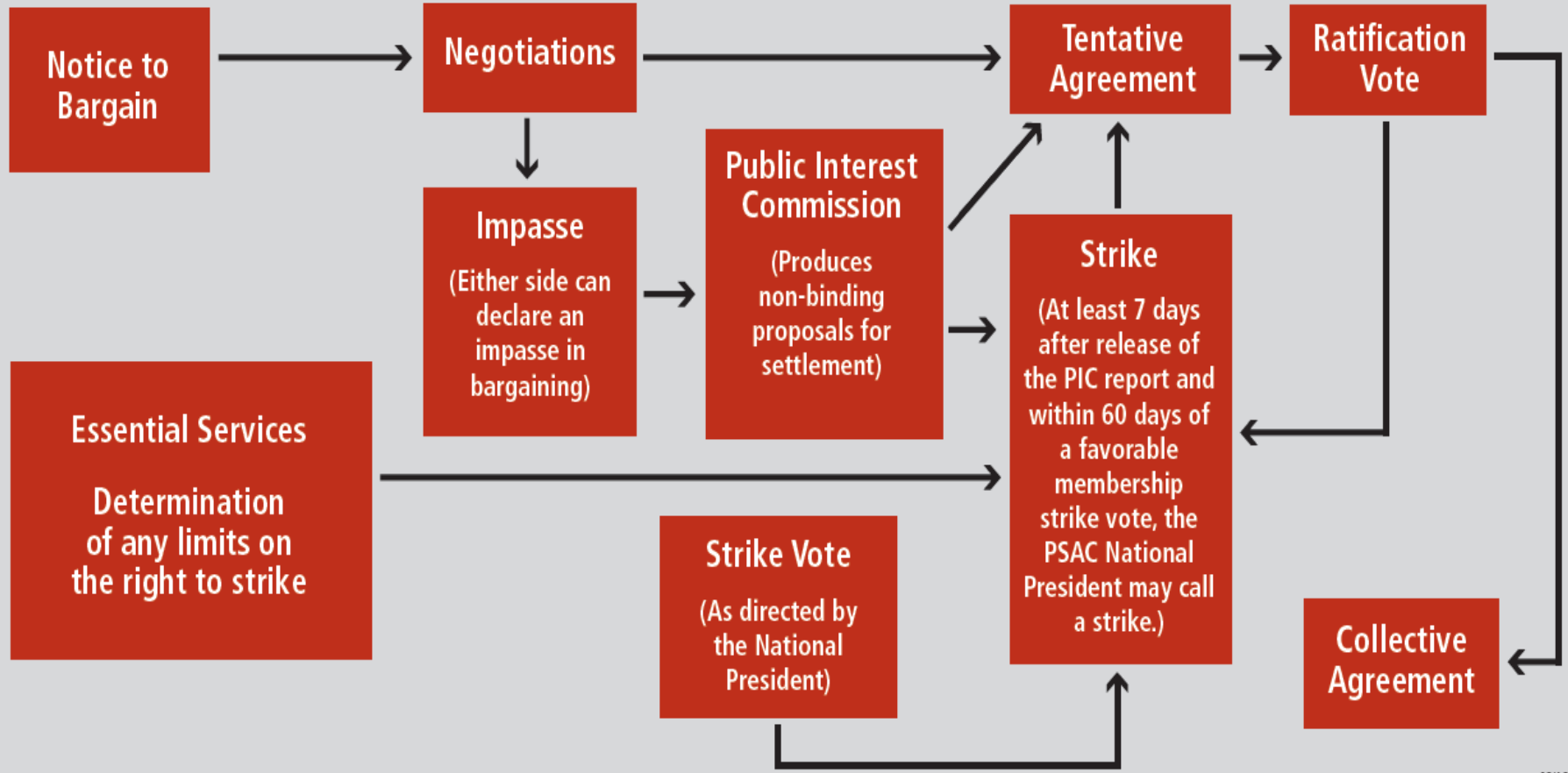
This Regulation is divided into three parts. This allows our Union to address the diversity of the bargaining units within the Public Service Alliance of Canada and encourage and support our members' engagement in the collective bargaining process. The three parts of this Regulation are 15A: Treasury Board and Agency Bargaining; 15B National Bargaining Units and Territorial Government Bargaining Units; and 15C Directly Chartered Local and Regional Bargaining Units.

REGULATION 15A – INDEX

PART 1 - APPLICATION	1
PART 2 - ROLES AND RESPONSIBILITIES	1
2.1 Members	1
2.2 Locals/Branches.....	1
2.3 Components.....	1
2.4 National Board of Directors (NBoD)	2
2.5 Collective Bargaining Committee (CBC) of the NBoD.....	2
2.6 National Strategy/Strike Coordinating Committee (NSCC)	3
2.7 Bargaining Team.....	3
2.8 Regional Councils	4
2.9 Alliance Executive Committee (AEC)	4
2.10 National President.....	5
PART 3 - COLLECTIVE BARGAINING PROCESS	5
3.1 Establishment of a National Strategy Coordination Committee (NSCC)	5
3.2 Bargaining Input Call and Program of Demands.....	6
3.3 Bargaining Conferences.....	6
3.4 Bargaining Teams	7
3.5 Composition of Bargaining Teams	8
3.6 Memorandum of Settlement.....	9
3.7 Votes.....	9
PART 4 - DEVIATION FROM THE REGULATION	10

REGULATION 15A

Negotiation process at a glance



15A - TREASURY BOARD, CANADA REVENUE AGENCY, PARKS AGENCY AND CANADIAN FOOD INSPECTION AGENCY COLLECTIVE BARGAINING

1. APPLICATION

This Regulation applies to our Treasury Board bargaining units: Program and Administrative Services (PA), Operational Services (SV), Technical Services (TC), Education and Library Science (EB), and Frontière/Border Services (FB). It also applies to our large Agency bargaining units: Canada Revenue Agency (CRA), Parks Canada and the Canadian Food Inspection Agency (CFIA).

2. ROLES AND RESPONSIBILITIES

2.1 Members

2.1.1 Members are the backbone of the collective bargaining process. The active support and mobilization of our members is critical to successful collective bargaining. Our union is only as strong as our membership.

2.2 Locals/Branches

2.2.1 Locals/Branches are the first point of contact with the union for most bargaining unit members. Local Union Officers are, therefore, key to our ability to mobilize our membership and achieve success at the bargaining table.

2.2.2 Locals/Branches receive the bargaining input call and assist with the distribution to bargaining unit members in the Local/Branch. The Local/Branch then receives bargaining input from the members. The Local/Branch is responsible for transmitting input received to their component.

2.2.3 Locals/Branches are responsible for assisting with organizing the input from members, and assist in the development of rationales.

2.2.4 Locals/Branches work with the PSAC and are responsible for the conduct of votes, such as ratification, strike or dispute settlement route votes, among their membership.

2.3 Components

2.3.1 The Component reviews, amends and/or supplements, and selects the bargaining demands to be sent to PSAC in the manner set out in this Regulation.

- 2.3.2 Components support the bargaining process by electing/selecting bargaining unit members who are engaged in union activities and committed to union principles to represent the bargaining unit members at bargaining conferences in the manner set out in this Regulation. Delegates to bargaining conferences are responsible for supporting member mobilization throughout the bargaining process.
- 2.3.3 Components are responsible for keeping their members informed about the issues, and ensuring that mobilization events are well-supported throughout the Component.
- 2.3.4 Components work with the PSAC to conduct votes, such as ratification, strike or dispute settlement route votes, among their members.

2.4 National Board of Directors (NBoD)

- 2.4.1 As the Union's governing body between Conventions, the NBoD establishes policies related to collective bargaining.
- 2.4.2 The NBoD determines whether coalition/multi-unit bargaining is appropriate, in circumstances where there is a community of interest.
- 2.4.3 The NBoD is responsible for reviewing and recommending the program of demands created for the Treasury Board and Agency bargaining units, and determining whether the number of demands that each Component may submit will be limited.
- 2.4.4 The NBoD is responsible for determining which dispute settlement route should be employed for each unit and whether a dispute settlement route vote should be held in accordance with this Regulation.
- 2.4.5 The NBoD is responsible for fully supporting the recommendations of a negotiating team and may not make any public statement that is critical of the bargaining team's decision or that calls that decision into question.
- 2.4.6 Members of the NBoD who have bargaining unit members in their Components are responsible for fully participating in mobilizing efforts.
- 2.4.7 Members of the NBoD who have bargaining unit members in their Components may be elected/selected to sit as part of the National Strategy Coordinating Committee and/or National Strike Coordinating Committee.

2.5 Collective Bargaining Committee (CBC) of the NBoD

- 2.5.1 The CBC of the NBoD is composed of members of the NBoD appointed to it by the PSAC National President and is chaired by the AEC Officer(s) responsible for collective bargaining.

2.5.2 The CBC reviews and recommends for adoption by the NBoD the initial program of demands that accompanies the input call that initiates the bargaining process.

2.5.3 The CBC may be asked to consider any matter related to collective bargaining referred to it by the NBoD or the AEC and to make recommendations as required.

2.6 National Strategy/Strike Coordinating Committee (NSCC)

2.6.1 The NSCC provides key strategic support and advice throughout the bargaining process and makes recommendations to the National President, the AEC and the NBoD on such matters as the bargaining timelines, bargaining strategy, and the communications and mobilization strategy.

2.6.2 The NSCC makes key recommendations to the National President, the AEC and the NBoD where necessary on strike strategy and mobilization.

2.7 Bargaining Team

2.7.1 Bargaining Teams represent all members of the bargaining unit at the bargaining table and play an essential role in the bargaining process.

2.7.2 Bargaining Team members are expected to engage directly with other workers throughout the entire bargaining process.

2.7.3 Bargaining team members are responsible for ensuring that the bargaining process helps build the union and advances the interests of all members.

2.7.4 Bargaining team members are obligated to respect the Constitution and Regulations of the PSAC and to adhere to PSAC policies.

2.7.5 Bargaining team members must be dedicated union activists, who are engaged in union activities and committed to union principles, including social justice and human rights.

2.7.6 Bargaining team members provide important insight and information on the actual working conditions of bargaining unit members in the workplace and on the rationales behind the bargaining demands.

2.7.7 Bargaining team members are responsible for conveying information about the progress of bargaining to bargaining unit members, and for explaining decisions made by them at the bargaining table.

2.7.8 Bargaining team members are responsible for reporting back to the bargaining team relevant issues raised by the membership, received as part of their communication and outreach work, on an ongoing basis.

- 2.7.9 Bargaining team members participate in the process of negotiations by: reviewing the bargaining input, finalizing and prioritizing the package of demands, participating in bargaining, participating in strategy and mobilization discussions as required, making decisions on employer offers and tentative settlements, and by participating in all mobilization activities established for the bargaining unit.
- 2.7.10 Bargaining team members must make a decision to accept or reject a proposed memorandum of settlement before it is sent to the members of the bargaining unit for a vote. Once that decision is made, all members of the bargaining team must support it.

2.8 Regional Councils

- 2.8.1 As the body of elected officers in each region, Regional Councils play a vital role in regional mobilization during the bargaining process and in the strike mobilization process, particularly in multi-unit or coalition bargaining.
- 2.8.2 Regional Councils are an important venue for information sharing and for encouraging solidarity and support for other PSAC bargaining units in need of assistance.

2.9 Alliance Executive Committee (AEC)

- 2.9.1 The AEC will ensure an effective bargaining environment by appointing the staff necessary to facilitate bargaining and membership mobilization.
- 2.9.2 The AEC shall, where feasible, establish Bargaining Conferences.
- 2.9.3 The AEC will determine the size of bargaining teams within the parameters established in 3.4 of this Regulation.
- 2.9.4 The AEC will ensure that bargaining teams are representative by using its authority to appoint bargaining team members.
- 2.9.5 The AEC has the sole authority to remove a member from a bargaining team.
- 2.9.6 The AEC has sole authority for approving Memoranda of Settlement and letters of understanding.
- 2.9.7 The AEC is responsible for approving administrative guidelines governing activities associated with Regulation 15.
- 2.9.8 AEC Officers are mandated to sign collective agreements.

2.10 National President

- 2.10.1 The National President has the sole authority to interpret the PSAC Constitution and this Regulation.
- 2.10.2 The National President, in consultation with the Collective Bargaining Committee of the NBoD, will determine which items will be the subject of negotiations through the collective bargaining process and which items will be subject to co-development/consultation at the National Joint Council.
- 2.10.3 The National President has the sole authority to authorize a strike vote and authorize or end strike action.
- 2.10.4 In consultation with the affected bargaining team(s), the National President or designate may engage in direct negotiations with the employer to achieve a Memorandum of Settlement.

3. COLLECTIVE BARGAINING PROCESS

3.1 Establishment of a National Strategy Coordinating Committee (NSCC)

- 3.1.1 The AEC Officer(s) responsible for collective bargaining in the case of our Treasury Board bargaining units, or the AEC Officer assigned to a particular bargaining unit in the case of our Agency bargaining units, will establish an NSCC to provide strategic advice on bargaining, mobilization and strike mobilization.
- 3.1.2 The NSCC will be composed of the AEC Officer(s) responsible, members of the NBoD selected from those Components with members in the bargaining unit, and bargaining team members selected by the team to sit on the NSCC and where applicable, bargaining conference delegates elected or selected to be on the NSCC. The NSCC will also assign appropriate staff to provide technical advice as required.
- 3.1.3 The number of Component Presidents sitting on the NSCC will be determined by the National President and/or the AEC, and the number of team members elected/selected to sit on the committee will be determined by the National President and/or the AEC, in consultation with the CBC of the NBoD for multi-component units and Component Presidents who have members in the bargaining unit for single component units and Parks Canada.

- 3.1.4 The NSCC is chaired by the AEC Officer(s) responsible for collective bargaining in the case of our Treasury Board bargaining units, or the AEC Officer assigned to a particular bargaining unit in the case of our Agency bargaining units.
- 3.1.5 The NSCC will meet as early as possible in the bargaining process, ideally before Notice to Bargain has been served.
- 3.1.6 The NSCC will determine its own process and agenda, but generally will be mandated to discuss and recommend strategies with respect to bargaining timelines, communications to the membership and others, mobilization and strike mobilization and strategy, as well as any other matter that may have an impact on bargaining in any particular round of negotiations.

3.2 Bargaining Input Call and Program of Demands

- 3.2.1 Where possible, the PSAC shall issue an input call at least six (6) months prior to serving Notice to Bargain.
- 3.2.2 Where possible the PSAC Negotiations Section will prepare a program of suggested demands for discussion at the National Bargaining Conference and for consideration by the bargaining team. These demands will be derived in part from demands that remained on the table from the last round, new developments in collective bargaining, ongoing research and the priorities and goals of the union.
- 3.2.3 The proposed program of demands will be reviewed by the Collective Bargaining Committee of the NBoD, who will review it and, if satisfied, recommend its adoption by the NBoD.
- 3.2.4 As part of the bargaining input process, a determination will be made by the NBoD, based on the consideration of a recommendation from the CBC of the NBoD, as to whether or not the number of demands that each Component may submit will be limited and, if so, what that limit will be.
- 3.2.5 The Component shall ensure that each proposal is sent electronically to the PSAC Negotiations Section within the timeframe set out in the input call. Each proposal shall contain a rationale, identify the submitting Local/Branch and be provided in both official languages.

3.3 Bargaining Conferences

- 3.3.1 In consultation with the Component(s) that represent members in the bargaining units affected, and where the AEC decides that Bargaining Conferences will be held, the following rules and procedures shall apply.

- 3.3.2 Bargaining Conferences are the opportunity for bargaining unit members, Elected Officers and activists to meet, plan the upcoming round of bargaining, review bargaining demands, identify priorities, develop initial mobilization strategies, and to build awareness of the political context in which the round of bargaining will take place.
- 3.3.3 Delegates chosen to attend Bargaining Conferences must be members of the bargaining unit or, hold office in the union, which can include being a shop steward. Delegates must also be dedicated union activists, engaged in union activities and committed to union principles, including social justice and human rights.
- 3.3.4 Members of the NBoD and other full time elected officers who have bargaining unit members participating in the round of bargaining may attend Bargaining Conferences and may fully participate in all discussions, but may not seek election or vote in the election of bargaining team members.
- 3.3.5 Where timelines permit, Bargaining Conferences shall be held where at a time and location to be determined by the AEC in consultation with the CBC of the NBoD.
- 3.3.6 The number of conference delegates shall be determined by the AEC in consultation with the CBC of the NBoD. The delegate entitlements shall reflect a proportionate distribution amongst the components. All components with members in the bargaining unit shall be entitled to at least one delegate.
- 3.3.7 The AEC may add delegates from among equity group members (I.e. Aboriginal peoples, Racialized Workers, Gay/Lesbian/Bisexual/Trans, Members with Disabilities) and from the Regional Women's Committees, and additional young worker delegates if there is a need to address their representation at Bargaining Conferences.
- 3.3.8 Bargaining Conferences will be chaired by the AEC Officer assigned to the bargaining unit or another NBoD member as designated by the National President. Where bargaining conferences are co-located, sessions involving more one bargaining unit, it may be chaired by the AEC Officer(s) assigned responsibility for collective bargaining or another NBoD member as designated by the National President.
- 3.3.9 Bargaining Conference agendas will be reviewed and approved by the appropriate AEC Officer(s) and may vary from round to round. However, in all cases, the conference will include an opportunity for the delegates to: review the bargaining proposals, establish bargaining priorities, develop mobilization strategies and elect bargaining teams. The bargaining team election shall occur no later than the first item of business on the last day of the bargaining conference.

3.4 Bargaining Teams

- 3.4.1 Bargaining team members must hold office in the union and must represent all members of the bargaining unit and not any particular constituency within the bargaining unit or the union.
- 3.4.2 Bargaining team members are required to attend all bargaining sessions and failure to do so could result in removal from the team.
- 3.4.3 Bargaining team members will be protected from loss of income and their expenses will be reimbursed according to the administrative guidelines that are amended from time to time and approved by the AEC.
- 3.4.4 The bargaining team will communicate with members on the progress of negotiations at each stage of the negotiations process (e.g. prior to the initial exchange, at impasse, and ratification or award), or more often as appropriate, and will report back to the rest of the bargaining team any relevant issues raised by them.
- 3.4.5 Bargaining team members who do not fulfill their responsibilities as a bargaining team member may be removed from the team. All removal requests are to be submitted to the AEC Officer(s) responsible for collective bargaining for the bargaining unit. The decision as to whether a bargaining team member is to be removed shall be made by the AEC.
- 3.4.6 The AEC in consultation with the CBC of the NBoD will determine the size of the bargaining team taking into account the size of the unit and its reflection of geographic, occupational and equity group diversity.

3.5 Composition of Bargaining Teams

- 3.5.1 A majority of each bargaining team will be elected at Bargaining Conferences. The AEC may appoint additional bargaining team member by the AEC from the pool of Bargaining Conference delegates in order to ensure equity, geographic, linguistic and /or occupational group diversity and to ensure the adequate representation of women.
- 3.5.2 The National President may appoint a member of the AEC and/or the NBoD to sit as a member of the bargaining team, who shall have full voice but no vote.
- 3.5.3 The National President and/or the AEC shall appoint a staff representative to sit on the bargaining team as chair of the team. This appointee shall have full voice but no vote.

3.5.4 The National President and/or the AEC may appoint additional staff representatives to sit on the bargaining team as technical advisors who have voice but no vote.

3.6 Memorandum of Settlement

3.6.1 In consultation with the affected bargaining team(s), the National President or designate may engage in direct negotiations with the employer to achieve a Memorandum of Settlement.

3.6.2 Authority to arrive at a Memoranda of Settlement or Letters of Understanding rests with the AEC. The AEC Officer(s) responsible for collective bargaining for the bargaining unit must be consulted prior to signing a Memorandum of Settlement or Letter of Understanding.

3.6.3 The AEC Officer(s) or designate shall have the signing authority on any Memorandum of Settlement, Collective Agreements or Letters of Understanding.

3.7 Votes

Dispute Settlement Route Votes

3.7.1 Where legislation permits, all bargaining units shall use conciliation/strike as the default dispute resolution process. Requests to change the process to arbitration can be submitted as outlined below: and, if approved, shall be for one round of bargaining only.

3.7.2 A dispute settlement route vote shall be taken when there has been a request by either a petition from 10 percent of the membership of the bargaining unit or when the NBoD so directs as per article 2.4.4.

3.7.3 Approval of a change in the dispute settlement route shall be made as a result of a majority of the returned ballots, excluding spoiled ballots, or by a decision of the NBoD.

Strike Votes

3.7.4 The National President is the only person who may authorize a strike vote and authorize or end strike activity. Such authorization(s) shall be in writing.

3.7.5 Subject to the applicable legislation, strike votes shall be conducted at meetings established for the purpose of explaining the outstanding issues and reasons that a strike vote is necessary, except where the isolated location of the worksite or shift schedules require that special arrangements be made.

3.7.6 All employees in the bargaining unit are entitled to vote in strike votes.

Ratification Votes

- 3.7.7 Meetings shall be conducted for the purpose of explaining the terms of the tentative agreement, except where the isolated nature of the worksite or shift schedules require alternative means of informing the membership prior to a vote. Members may either vote in these meetings or through other means as established by the AEC in consultation with the CBC of the NBoD for units with 3 or more components or the AEC in consultation with the component(s) involved for units with fewer than 3 components.
- 3.7.8 Eligibility for voting shall be in accordance with the Administrative Guidelines.
- 3.7.9 An AEC Officer shall have a mandate to sign a collective agreement for a bargaining unit or a coalition bargaining group when a majority of the votes cast in the bargaining unit have been cast in favour of accepting a proposed collective agreement, excluding spoiled ballots.

4. DEVIATION FROM THE REGULATION

- 4.1.1 Requests for deviation from this Regulation may be made by the CBC of the NBoD, or a majority of Component Presidents where the unit is comprised of members from three or more Components or a Component President where the bargaining unit is comprised of members within one or two Components.
- 4.1.2 In the case of bargaining units with more than two Components, deviation from the Regulation requires the approval of the AEC and the majority of Component Presidents with members in the bargaining unit.
- 4.1.3 In the case of bargaining units with one or two Components, deviation from the Regulation requires the approval of the AEC and the Component President(s)